

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

ADELAIDE GAIL ZAPPA,  
individually and as sole trustee of  
THE ZAPPA FAMILY TRUST  
U/T/D NOVEMBER 15, 1990, a  
California Revocable Trust,

V.

RYKODISC, INC., a Minnesota  
corporation

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 00396

TO: (Name and address of Defendant)

RYKODISC, INC.  
30 IRVING PLACE, 3RD FLOOR  
NEW YORK, NY 10003

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

IRA S. SACKS  
DREIER, LLP  
499 PARK AVENUE  
NEW YORK, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

*Patricia Curtis*

(By) DEPUTY CLERK

DATE

JAN 15 2008

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

ADELAIDE GAIL ZAPPA, INDIVIDUALLY AND AS SOLE TRUSTEE  
OF THE ZAPPA FAMILY TRUST U/T/D NOVEMBER 15, 1990, A  
CALIFORNIA REVOCABLE TRUST,

Plaintiff(s)

against

RYKODISC, INC. A MINNESOTA CORPORATION,

Defendant(s)

Index No. 08 CV 00396

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

IN A CIVIL ACTION, CIVIL COVER  
SHEET

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a  
party herein, is over 18 years of age and resides at BROOKLYN, NEW YORK  
That on 1/16/08 at 3:00 P M., at 30 IRVING PLACE, NEW YORK, NEW YORK 3RD FL.  
deponent served the within summons, and complaint on defendant therein named,  
IN A CIVIL ACTION, CIVIL COVER SHEET RYKODISC, INC.

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
said defendant therein.

CORPORATION

2. ☒

a DOMESTIC corporation, by delivering thereat a true copy of each to MICHAEL NGUYEN  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4

5A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO  
BUSINESS  
USE WITH 3 OR 4

5B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3

☒

|  |   |  |   |  |   |  |
|--|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> Male | <input type="checkbox"/> White Skin             | <input checked="" type="checkbox"/> Black Hair | <input type="checkbox"/> White Hair         | <input type="checkbox"/> 14-20 Yrs.            | <input type="checkbox"/> Under 5'             | <input type="checkbox"/> Under 100 Lbs.          |
| <input type="checkbox"/> Female          | <input type="checkbox"/> Black Skin             | <input type="checkbox"/> Brown Hair            | <input type="checkbox"/> Balding            | <input checked="" type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> 5'0"-5'3"            | <input type="checkbox"/> 100-130 Lbs.            |
|  | <input checked="" type="checkbox"/> Yellow Skin | <input type="checkbox"/> Blonde Hair           | <input type="checkbox"/> Mustache           | <input type="checkbox"/> 36-50 Yrs.            | <input checked="" type="checkbox"/> 5'4"-5'8" | <input checked="" type="checkbox"/> 131-160 Lbs. |
|  | <input type="checkbox"/> Brown Skin             | <input type="checkbox"/> Gray Hair             | <input type="checkbox"/> Beard              | <input type="checkbox"/> 51-65 Yrs.            | <input type="checkbox"/> 5'9"-6'0"            | <input type="checkbox"/> 161-200 Lbs.            |
|  | <input type="checkbox"/> Red Skin               | <input type="checkbox"/> Red Hair              | <input checked="" type="checkbox"/> Glasses | <input type="checkbox"/> Over 65 Yrs.          | <input type="checkbox"/> Over 6'              | <input type="checkbox"/> Over 200 Lbs.           |

Other identifying features:

USE IN  
NYC CIVIL CT.

☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE

☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on  
1/17/08

JOHN DICANIO  
Notary Public, State of New York  
No. 01014977768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE

JEROME E. GOLDMAN

License No. 1239192